
(2006) 06 CHH CK 0011
In the Chhattisgarh High Court
Case No : Writ Petition No. 2966 of 2006

Smt. Rajbati Yadav

APPELLANT

Vs

State of C.G. and Others

RESPONDENT

Date of Decision : 23-06-2006

Acts Referred:

Citation : (2006) 3 CGLJ 361

Hon'ble Judges : L.C. Bhadoo, J

Bench : Division Bench

Advocate : J.R. Verma, for the Appellant; Chitra Shrivastava, Panel Lawyer, for the Respondent

Judgement

L.C. Bhadoo, J.—This is yet another case where the Petitioner, who is an illiterate lady aged about 79 years and widow of Late Shri Ramprasad Yadav, who was working as peon in the Water Resources Department, Baloda Bazar District Raipur and died in the year 1975 while in service, is not being paid family pension by the Respondents.

2. The facts of the case shows that how the Respondent authorities are indifferent towards the rights of the Petitioner. The Petitioner has a legal right to get the family pension, even then her claim is not being decided by the Respondent authorities on the ground of lapse committed by none else than the Respondents themselves by misplacing the service record of Late Shri Ramprasad Yadav, which is evident from letter dated 8.8.2005 (Annexure P-1) written by the Executive Engineer, Water Resources Department, Division-II, Baloda Bazar to Respondent No. 2-Joint Director Finance, Accounts and Pension, Raipur mentioning therein that Late Shri Ramprasad Yadav died on 10.1.1975 forwarded the application of the widow Petitioner to provide her family pension under the Rules of 1966 and. after preparing the duplicate copies of the service book of Late Ramprasad Yadav, sent the same to Respondent No. 2. On the same application Respondent No. 2 put some queries and asked that whether any enquiry has been instituted against the person who has lost the service book of

Late Ramprasad Yadav. The Executive Engineer again vide letter dated 16.2.2006 explained the situation but so far nothing has been done.

3. The attitude of Respondent authorities is worth condemnation. The Hon''ble Apex Court in the matter of S.K. Mastan Bee Vs. The General Manager, South Central Railway and Another, held that;

even if an illiterate lady does not know at the time of death of her husband about her legal right to family pension on the death of her husband, it was obligatory for her husband's employer to compute the family pension payable and offer the same to the widow even without making of a claim or initiation of litigation on her part.

The court has further held that;

very denial of her right to family pension amounted to a violation of the guarantee assured to the Appellant under Article 21.

4. Under these circumstances, without causing further delay, responded No. 2 is directed to consider the case of the Petitioner and pass appropriate orders in accordance with law within a period of 60 days from today regarding grant of family pension to the Petitioner from the date of death of her husband. The Petitioner shall be entitled for the interest @ 9% per annum on the amount due.

5. As has been mentioned that the Petitioner is very age-old lady of 79 years, therefore, it is duty of the Respondents to do the needful.

6. This order is being passed based on the records without any formalities of giving time to the Respondents to file the reply, therefore, if any body is prejudiced and this order requires reconsideration on any justifiable ground, then the Respondents shall be at liberty to move this Court by filing an interlocutory application for recalling this order. However, if the Respondents do not pass necessary orders within a period of 60 days, then the Petitioner will be at liberty to approach this Court by filing an interlocutory application in the matter.

7. With the directions aforesaid, the petition stands disposed of.